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1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK
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3 UNITED STATES OF AMERICA, New York, N.Y.
4 v. 11 Cr. 205 (AKH)
5 HUGO ARMANDO CARVAJAL BARRIOS,
6 Defendant.

7 -----x

8 October 8, 2024
9 12:25 p.m.

10 Before:

11 HON. ALVIN K. HELLERSTEIN,
12 U.S. District Judge
13

14 APPEARANCES

15 DAMIAN WILLIAMS
16 United States Attorney for the
17 Southern District of New York
18 BY: RACHEL BRADLEY
KAYLAN E. LASKY
KEVIN SULLIVAN
Assistant United States Attorneys

19 ROBERT A. FEITEL
20 Attorney for Defendant
21

22 ALSO PRESENT: HARRY RUCKER, CISO
23 FRANCISCO OLIVERO, Spanish Interpreter
24
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1 (Case called)

2 THE DEPUTY CLERK: Counsel, please state your
3 appearances for the record.

4 MR. BRADLEY: Good afternoon, your Honor. Nicholas
5 Bradley, Kaylan Lasky, Kevin Sullivan for the government, along
6 with Paralegal Specialist Sabrina Jim Munoz.

7 THE COURT: Good morning.

8 MR. FEITEL: Good afternoon, your Honor. Robert
9 Feitel for defendant Hugo Carvajal. My client is present in
10 Court today. He has indicated that he can hear the Spanish
11 translation.

12 THE COURT: Good morning, everybody. Good morning,
13 Mr. Carvajal.

14 INTERPRETER: Good morning, your Honor. Is channel 1
15 on?

16 THE COURT: Say that again?

17 INTERPRETER: The interpreter is unable to hear the
18 table mics and was inquiring whether it was on. Sorry, your
19 Honor. Thank you.

20 THE DEPUTY CLERK: It's on.

21 THE COURT: Are we all set now?

22 INTERPRETER: Thank you very much, your Honor; yes.

23 THE COURT: Mr. Lasky, what are we doing?

24 MR. BRADLEY: Your Honor, we were last before the
25 Court on February 29th some time ago. Since that time we have

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1 engaged in extensive Classified Information Procedures Act
2 practice, there was a protective order that was filed and, we
3 had, I believe both parties have had *ex parte* conferences with
4 the Court, and the defendant has since retained Mr. Feitel as
5 new counsel and we have coordinated with prior counsel to make
6 sure that the discovery has been turned over expeditiously. We
7 understand that discovery is being reviewed.

8 From our perspective, your Honor, the government is
9 ready to move forward with setting a trial date. I know that
10 is something that the Court has been --

11 THE COURT: Have you completed your discovery?

12 MR. BRADLEY: Yes, your Honor. We recently came into
13 possession of a small number of jail calls that we will be
14 turning over promptly, but otherwise discovery is complete.

15 I understand the Court has certainly been asking about
16 scheduling a trial date for some time. The government is ready
17 to do that now. I understand that there may be, likely will be
18 additional litigation.

19 THE COURT: Let's see what Mr. Feitel has up his
20 sleeve.

21 MR. BRADLEY: I was going to say, your Honor, that I
22 understand from talking with defense counsel, we tried to
23 coordinate schedules. We understand from Mr. Feitel due to his
24 schedule --

25 THE COURT: Why don't we hear from Mr. Feitel.

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1 MR. BRADLEY: Yes, your Honor.

2 THE COURT: Mr. Feitel, what's up your sleeve? Other
3 than the jacket.

4 MR. FEITEL: I would be remiss if I disclose what I
5 have up my sleeve so early in the case. I appreciate your
6 Honor inquiring.

7 As thing stands now, I have received -- everyone
8 always says that the discovery in their case is significant. I
9 think the discovery in this case is extraordinarily large. I
10 have received, from prior counsel, pursuant to the protective
11 order entered by your Honor, which we are bound by, several
12 hard drives and lots of other documents from the government and
13 from prior counsel. I have been in the process of really
14 spending a lot of time reviewing them, not fully up to speed
15 but I think there is still a lot more for me to go through. I
16 understand this case has been pending for a while before I was
17 involved so I am not sure what the arc of this case will be,
18 ultimately, but I don't have an objection, in principle, to
19 setting a trial date if your Honor thinks it is appropriate to
20 do so. We can come back in 30 days, if your Honor would
21 prefer. By that time I will have finished my review of
22 discovery.

23 THE COURT: Are you planning any motions? We haven't
24 had a motion yet.

25 MR. FEITEL: With respect to the motions, your Honor,

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1 I have not, at this point, decided if I need to file any
2 because my discovery review is not complete, but there is CIPA
3 motions pending before the Court. I have spoken to the
4 government about this. I have not yet received final clearance
5 and what I ask your Honor to do would be to hold it in
6 abeyance, the motions until as such time I can take a look at
7 what is going on because I'm not sure.

8 THE COURT: Well, I have been functioning with the
9 government on CIPA motions and I think we have completed the
10 work on the summaries. Have we now, Mr. Lasky?

11 MR. BRADLEY: We have, your Honor. We have provided
12 that additional updated information to the Court. I think we
13 are waiting for a ruling from the Court regarding on the
14 sufficiency of those.

15 THE COURT: Regarding what?

16 MR. BRADLEY: Regarding the sufficiency of those
17 updated summaries.

18 THE COURT: I have a few left before me but I think
19 before that I made my rulings.

20 MR. BRADLEY: That's correct, your Honor.

21 THE COURT: And these were made to correct the earlier
22 rulings.

23 MR. BRADLEY: That's correct, your Honor.

24 THE COURT: I need to review those.

25 MR. BRADLEY: Yes, your Honor.

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1 THE COURT: Which I will do very soon.

2 MR. BRADLEY: Yes.

3 THE COURT: Have any of the summaries been given to
4 Mr. Feitel?

5 MR. BRADLEY: We have not yet for two reasons. First,
6 we wanted to ensure that the Court believed they were
7 appropriate under the protective order; and second, as
8 Mr. Feitel said, we understand he is still going through the
9 clearance process as well.

10 THE COURT: So I don't deal well with arcs,
11 Mr. Feitel, I like to deal with things as they come along and
12 then when everybody is ready, affix a trial date. What I need
13 to do is to make my final rulings, I can try and do that very
14 fast, and then the next step will be for you to declare your
15 motions.

16 MR. FEITEL: Yes, sir.

17 THE COURT: So we need to know when you would be doing
18 that.

19 MR. FEITEL: If I could have 30 days, your Honor. I
20 think it is good for attorneys to have deadlines, keeps you
21 moving forward. So, if your Honor would give me the courtesy
22 of 30 days?

23 THE COURT: Yes.

24 MR. FEITEL: I will have a definitive answer by then.

25 THE COURT: What would I expect in the 30 days?

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1 MR. FEITEL: I will file notice on the docket in the
2 nature of a letter to your Honor advising the Court whether I
3 plan to file any motions and provide summary of the motion or
4 at least delineation.

5 THE COURT: Why don't we schedule a status conference
6 for 30 days hence, at which time I would expect you to, ask you
7 to declare the motions and the nature of the motions that you
8 will be making and present me with a briefing schedule with the
9 government, that way we will keep the case going more orderly.

10 NOW, I could give you a trial date now or we can set
11 it after we have this next conference after I decide the
12 motions. I think I probably should give it to you now because
13 this is a long case. How long will it be, Mr. Lasky?

14 MR. BRADLEY: Mr. Bradley, your Honor.

15 THE COURT: Mr. Bradley. I'm sorry.

16 MR. BRADLEY: Apologies. And the defendant --

17 THE COURT: You are Mr. Bradley. Sorry.

18 MR. BRADLEY: We are all interchangeable, your Honor.

19 THE COURT: You aren't first on the list, that's why.

20 MR. BRADLEY: The defendant was first presented here
21 last July, your Honor. We had a number of status conferences.
22 From the government's perspective I agree that I think it would
23 be prudent to set a trial date. I understand from talking with
24 Mr. Feitel he has a very busy trial schedule.

25 THE COURT: How about May 5, folks?

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1 MR. BRADLEY: I'm sorry, your Honor?

2 THE COURT: May 5, 2025.

3 MR. BRADLEY: From the government's perspective we are
4 ready. Mr. Feitel may have a conflict but I don't want to
5 speak for him.

6 THE COURT: Mr. Feitel?

7 MR. FEITEL: Your Honor, I would ask for a date in
8 July. I have a trial scheduled, an international murder case
9 in U.S. District Court of Washington, D.C. for the 15th of
10 April, which is scheduled to take at least two and a half
11 weeks, and yesterday a judge in the District of Maryland
12 scheduled a case for me for the 2nd of June, 2025, that is a
13 150-count indictment. So I will spend the intervening time
14 preparing for all of them but I would ask if your Honor could
15 set this sometime in the beginning of July so I would have a
16 chance to --

17 THE COURT: Why not June?

18 MR. FEITEL: On June 2nd I'm starting my truly with
19 Judge Chuang in Maryland. The judge booked three weeks of
20 trial for that.

21 MR. BRADLEY: We would have no objection to a July
22 date here, your Honor.

23 THE DEPUTY CLERK: How many weeks?

24 MR. BRADLEY: For our trial, I would say it is three
25 weeks.

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1 THE COURT: I would like to start in June. Can we
2 start in June, Mr. Feitel?

3 MR. FEITEL: If it would be the last week of June,
4 assuming that I have completed my responsibilities for the
5 other trial case.

6 THE COURT: June 23. Final pretrial conference
7 June 16 at 10:30.

8 Does that work, Mr. Feitel?

9 MR. FEITEL: Yes, your Honor. I will be here or I
10 have co-counsel in this case, Sandi Rhee, one of us will be
11 here for trial.

12 THE COURT: Well, if you are saying that, maybe we can
13 have an earlier date.

14 MR. FEITEL: Perhaps I should be quiet, but I think
15 this is going to be a two-person case to defend, so.

16 THE COURT: So I need both of you.

17 MR. FEITEL: Ms. Rhee will be available for the trial
18 dates.

19 THE COURT: She will?

20 MR. FEITEL: Yes, sir; she will be.

21 THE COURT: That will be June 23 for trial at 10:00.
22 June 16, 10:30, final pretrial conference.

23 Now let's go back to the motions. November 12,
24 Mr. Feitel, is that OK for you?

25 MR. FEITEL: Yes, sir.

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1 THE COURT: At 2:30: And you will then be declaring
2 your motions and we will set a briefing schedule.

3 Anything else we need to do today, Mr. Bradley?

4 MR. BRADLEY: Just the application on scheduling.

5 THE COURT: Motion for exclusion of time?

6 MR. BRADLEY: Yes, your Honor.

7 THE COURT: Please proceed.

8 MR. BRADLEY: The government would respectfully ask
9 that the Court to exclude time between, I believe it was
10 previously excluded through October 22 through the date of the
11 next conference, which the Court just scheduled.

12 THE COURT: Why don't you do it to trial.

13 MR. BRADLEY: We are happy to do that as well, your
14 Honor, through the trial date of June 23, 2025. The government
15 would respectfully submit that the proposed exclusion would
16 serve the ends of justice so that the parties can continue to
17 review discovery with an eye toward trial, evaluate motion
18 practice, and also prepare for trial.

19 THE COURT: Without objection, Mr. Feitel?

20 MR. FEITEL: Without objection, your Honor.

21 THE COURT: So ordered.

22 Let's get the date set.

23 Brigitte?

24 THE DEPUTY CLERK: The next pretrial conference is
25 November 12 at 2:30.

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1 THE COURT: Yes. And final pretrial conference?

2 THE DEPUTY CLERK: Is June 16 at 10:30.

3 THE COURT: And trial date?

4 THE DEPUTY CLERK: June 23rd.

5 THE COURT: At 10.

6 MR. FEITEL: At 10.

7 THE COURT: Length of the trial you expect,

8 Mr. Bradley?

9 MR. BRADLEY: We estimate three weeks, your Honor.

10 THE COURT: A three-week trial.

11 OK, folks. Thank you.

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